

## **REMARKS/ARGUMENTS**

Claims 2-28 remain pending. Applicants respectfully request reconsideration of the application in view of the amendment and the following remarks submitted in support thereof.

### **Double patenting rejection**

The Examiner rejected claims 2-28 under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claim 9 in the issued United States Patent No. 6,366,876 to Looney. Therefore, the Applicants hereby submit a Terminal Disclaimer, as executed by the attorney of record.

### **Rejections under 35 U.S.C. §103:**

The Examiner rejected claims 2-9, 11-18, and 20-27 under 35 U.S.C. §103(a), as being obvious by US Patent No. 5,731,991 to Kinra et al. (Kinra) in view of U.S. Patent No. 5,731,991 to Goiffon et al. (Goiffon). Claims 10, 19, and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kinra in view of Goiffon as applied to U.S. Patent No. 5,527,257 to Lerner (Lerner). The rejection is respectfully traversed because the portion of the reference relied upon by the Examiner does not disclose accessing data from reference file using first set of file information and accessing data from the source file using a second set of file information. In fact, the portion relied on by the examiner teaches retrieving various values for calculating a criterion score.

In contrast, the claimed invention discloses a method for analyzing data. The method includes obtaining a first set of file information and a second set of file information from a reference file and the source file, respectively. The first set of file information is used to access data stored in the reference file. Likewise, the second set of file information is used to access data stored in the source file. The data stored in the reference file and the source file are compared using a data analysis criteria. The data analysis criteria includes the compatibility with the underlying platform on which the data to be executed. The analysis results are displayed to the user. The analysis results may include a conformance warning if an incompatibility is detected.

In contrast, Kinra teaches a method to evaluate various software products based on a plurality of predefined criteria which may correspond to technical, business and pricing considerations. (column 1, lines 51-53). According to Kinra, a criteria scorer retrieves the product data, the environment data, and the criterion weighting values from their respective memories. Using the retrieved data and weighting values, criteria scorer generates criterion scores for each software product or software environment on the basis of the criteria. The criterion score represents performance of the software product or environment. Basically, Kinra obtains multiple values from various memories to evaluate similar products against the required criteria. Kinra provides a selection procedure based on various criteria. Based on a required criteria, the product is provided a score. The weighted numerical values are summed to produce a raw criterion score. This raw criterion score is divided by the sum of the associated criterion weighting values to produce a normalized criterion score (Column 4, lines 39-44). Normalized criterion score acts as a yardstick to decide on a product.

Additionally, the Examiner acknowledges that the Kinra does not teach the data analysis criteria including the compatibility with an underlying platform that is defined by at

least one of the reference files on which the data to be executed. The Examiner then cites Goiffon, asserting that it would have been obvious to combine Kinra and Goiffon. Goiffon teaches an object management system for managing potentially reusable code and data component that exist within an information technology (IT) platform. For each of these reusable code and data components, an associated software object or an asset element is created that describes the associated component. Relationships are created between various asset elements to represent the relationships between the various asset elements. Further, locator elements are created to describe application concepts and sub-concepts. The application concept or sub-concept is associated with a problem solved by code and data components within the IT platform.

Goiffon traces the locator elements and the associated relationships to identify related asset elements and the associated software code constructs. In other words, Goiffon teaches to identify software constructs that are interrelated. The portion relied on by the Examiner is basically teaching that when a transformation or renovation operations are performed related code or data components also need to be identified and modified in order for the renovation or the transformation to function properly. Goiffon provides an automated process to identify these related code and data components.

It is therefore submitted that the software evaluation scheme taught by Kinra and the identification process of related software code constructs taught by Goiffon are not combinable. Likewise, the combination would not have taught or suggested the claimed invention. For example, the combination would not have suggested to have the data analysis criteria to include compatibility with the underlying platform and provide a conformance warning if an incompatibility is detected.

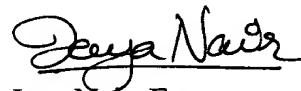
With regards to claims 10, 19, and 28, Lerner does not cure any of the deficiencies pointed out above with respect Kinra and Goiffon.

For the claimed invention to be obvious in view of the combination of prior art, the prior art must suggest the desirability and the obviousness of making the combination proposed by the Examiner. Accordingly, for at least the above-stated reasons, Applicants submit that the amended independent claims 2, 11, and 20 are patentable under 35 U.S.C. §103(a) over Kinra in view of Goiffon. Since dependent claims 3-9, 12-18, and 21-27 depend directly or indirectly from independent claims 2, 11, and 20, Applicants submit that the dependent claims are patentable under 35 U.S.C. §103(a) for the reasons set forth above. Therefore, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection of claims 2-28.

### **Conclusion**

If the Examiner has any questions, the Examiner is requested to contact the undersigned at (408) 774-6926. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP55C2). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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